

ranty of any kind and without any representation as to its condition or suitability for use.¹

(2) the educational institution shall be responsible for maintaining the vessel;

(3) the vessel shall be used only for instructing students in vessel safety education and training programs;

(4) if the vessel is eligible to be documented, it must be documented by the educational institution as a vessel of the United States under chapter 121 of title 46, and the requirements of paragraph (5) of this subsection shall be noted on the permanent record of the vessel;

(5) the educational institution must obtain the prior approval of the Administrator of General Services before disposing of the vessel, and any proceeds from the disposal of the vessel shall be payable to the United States Government; and

(6) the vessel shall be inspected or regulated in the same manner as a nautical school vessel under chapter 33 of title 46.

(c) United States liability

The United States shall not be liable in an action arising out of the transfer or use of a vessel that has been transferred under this section.

(Pub. L. 99-640, §13(a)-(c), Nov. 10, 1986, 100 Stat. 3551.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was enacted as part of the Coast Guard Authorization Act of 1986, and not as a part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 sections 2101, 3305.

§ 485. Proceeds from transfer, sale, etc., of property

(a) Disposition of receipts

All proceeds under this subchapter from any transfer of excess property to a Federal agency for its use, or from any sale, lease, or other disposition of surplus property, shall be covered into the Treasury as miscellaneous receipts, except as provided in subsections (b), (c), (d), (e), and (h) of this section.

(b) Deposit of proceeds from sales; use; report

Except as provided in subsection (h) of this section, all the proceeds of such dispositions of surplus real and related personal property made by the Administrator of General Services shall be set aside in a separate fund in the Treasury. Not more than an amount to be determined quarterly by the Director of the Office of Management and Budget may be obligated from such fund by the Administrator to pay the direct expenses incurred for the utilization of excess

property and the disposal of surplus property under this Act for fees of appraisers, auctioneers, and realty brokers, for costs of environmental and historic preservation services, and for advertising and surveying. Such payments from this fund may be used either to pay such expenses directly or to reimburse the fund or appropriation initially bearing such expenses. Fees paid to appraisers, auctioneers, and brokers shall be in accordance with the scale of fees customarily paid for such services in similar commercial transactions, and in no event shall more than 12 per centum of the proceeds of all dispositions within each fiscal year of surplus real and related personal property be paid out of such proceeds under this authorization to meet direct expenses incurred in connection with such dispositions. Periodically, but not less often than once each year, any excess funds beyond current operating needs shall be transferred from the fund to miscellaneous receipts: *Provided*, That a report of receipts, disbursements, and transfers to miscellaneous receipts under this authorization shall be made annually in connection with the budget estimates to the Director of Office of Management and Budget and to the Congress.

(c) Credit to reimbursable fund or appropriation on certain transactions

Where the property transferred or disposed of was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue or receipts, then the net proceeds of the disposition or transfer shall be credited to the reimbursable fund or appropriation or paid to the Federal agency which determined such property to be excess: *Provided*, That the proceeds shall be credited to miscellaneous receipts in any case when the agency which determined the property to be excess shall deem it uneconomical or impractical to ascertain the amount of net proceeds. As used in this subsection, the term "net proceeds of the disposition or transfer" means the proceeds of the disposition or transfer minus all expenses incurred for care and handling and disposition or transfer.

(d) Special account deposits

Any Federal agency disposing of surplus property under this subchapter (1) may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and (2) may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

(e) Sale proceeds offset against price or cost of contractor's work

Where any contract entered into by an executive agency or any subcontract under such contract authorizes the proceeds of any sale of property in the custody of the contractor or subcontractor to be credited to the price or cost of the work covered by such contract or subcontract, the proceeds of any such sale shall be

¹ So in original. The period probably should be a semicolon.

credited in accordance with the contract or sub-contract.

(f) Acceptance of property in lieu of cash

Any executive agency entitled to receive cash under any contract covering the lease, sale or other disposition of surplus property may in its discretion accept, in lieu of cash, any property determined by the President to be strategic or critical material at the prevailing market price thereof at the time the cash payment or payments became or become due.

(g) Management of credit, leases, and permits on property

Where credit has been extended in connection with any disposition of surplus property under this subchapter or by War Assets Administration (or its predecessor agencies) under the Surplus Property Act of 1944, or where such disposition has been by lease or permit, the Administrator shall administer and manage such credit, lease, or permit, and any security therefor, and may enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as he deems in the best interest of the Government.

(h) Property under control of a military department

(1) If the Secretary of a military department determines that real property, and improvements thereon, under the control of that department (other than property at a military installation designated for closure or realignment pursuant to a base closure law) is excess to the needs of that department, the Secretary of Defense shall provide that the property be made available for transfer without reimbursement to the other military departments within the Department of Defense. If the property is not transferred to another military department, the Secretary of the military department concerned shall request the Administrator to transfer or dispose of such property in accordance with the provisions of this Act, section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), or other applicable law.

(2) The Administrator shall deposit any proceeds (less expenses of transferring or disposing of the property as provided in subsection (b) of this section) in a special account in the Treasury of the United States. The amount deposited in such account with respect to the transfer or disposal of any such property shall be available, to the extent provided in appropriation Acts, as follows:

(A) In the case of property located at a military installation that is closed, such amount shall be available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over such property before the closure of the military installation.

(B) In the case of property located at any other military installation—

(i) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where such property was located before it was disposed of or transferred; and

(ii) 50 percent of such amount shall be available for facility maintenance and repair

and for environmental restoration by the military department that had jurisdiction over such property before it was disposed of or transferred.

(3) As part of the annual request for authorizations of appropriations to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, the Secretary of Defense shall include an accounting of each transfer and disposal made in accordance with this subsection during the fiscal year preceding the fiscal year in which the request is made, including a detailed explanation of each such transfer and disposal and of the use of the proceeds received from it by the Department of Defense.

(4) This subsection does not apply to damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10.

(5) For purposes of this subsection, the term “military installation” shall have the meaning given that term in section 2687(e)(1) of title 10, and the term “base closure law” shall have the meaning given that term in section 2667(h)(2) of such title.

(i) Recovery of costs incurred in sales of personal property

The Administrator may retain from the proceeds of sales of personal property conducted by the General Services Administration amounts necessary to recover, to the extent practicable, costs incurred by the General Services Administration (or its agent) in conducting such sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 756(a) of this title and may use such portion of amounts so deposited as is necessary to pay (1) direct costs incurred by the General Services Administration in conducting sales of personal property, and (2) indirect costs incurred by the General Services Administration that are reasonably related to those sales. Amounts retained that are not needed to pay the direct and indirect costs incurred shall periodically, but not less than annually, be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury.

(June 30, 1949, ch. 288, title II, §204, 63 Stat. 388; Aug. 31, 1954, ch. 1178, 68 Stat. 1051; Pub. L. 86–215, Sept. 1, 1959, 73 Stat. 446; Pub. L. 96–41, §3(d), July 30, 1979, 93 Stat. 325; Pub. L. 100–612, §6, Nov. 5, 1988, 102 Stat. 3181; Pub. L. 101–510, div. B, title XXVIII, §2805, Nov. 5, 1990, 104 Stat. 1786; Pub. L. 103–123, title IV, §7, Oct. 28, 1993, 107 Stat. 1247; Pub. L. 104–106, div. A, title XV, §1502(f)(7), div. B, title XXVIII, §2818(b), Feb. 10, 1996, 110 Stat. 510, 555; Pub. L. 106–65, div. A, title X, §1067(18), Oct. 5, 1999, 113 Stat. 775; Pub. L. 107–107, div. B, title XXVIII, §2812, Dec. 28, 2001, 115 Stat. 1307.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (h)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

For classification and history of the Surplus Property Act of 1944, referred to in subsec. (g), see note set out under section 473 of this title.

CODIFICATION

Section was formerly classified to section 234 of Title 41, Public Contracts.

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) of this section were contained in act June 30, 1949, ch. 286, title I, § 101, 63 Stat. 363; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380, which was classified to section 314a of this title.

AMENDMENTS

2001—Subsec. (h)(1). Pub. L. 107–107, § 2812(b)(1), inserted “pursuant to a base closure law” after “realignment” in first sentence.

Subsec. (h)(2)(A), (B). Pub. L. 107–107, § 2812(a), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

“(A) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where the property is located.

“(B) 50 percent of such amount shall be available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over the property before it was disposed of or transferred.”

Subsec. (h)(5). Pub. L. 107–107, § 2812(b)(2), inserted “, and the term ‘base closure law’ shall have the meaning given that term in section 2667(h)(2) of such title” before period at end.

1999—Subsec. (h)(3). Pub. L. 106–65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (h)(3). Pub. L. 104–106, § 1502(f)(7), substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and of the House of Representatives”.

Subsec. (h)(4), (5). Pub. L. 104–106, § 2818(b), added par. (4) and redesignated former par. (4) as (5).

1993—Subsec. (i). Pub. L. 103–123 added subsec. (i).

1990—Subsec. (a). Pub. L. 101–510, § 2805(1), substituted “subsections (b), (c), (d), (e), and (h)” for “subsections (b), (c), (d), and (e)”.

Subsec. (b). Pub. L. 101–510, § 2805(2), substituted “Except as provided in subsection (h) of this section, all the proceeds” for “All the proceeds”.

Subsec. (h). Pub. L. 101–510, § 2805(3), added subsec. (h).

1988—Subsec. (b). Pub. L. 100–612 substituted “Office of Management and Budget” for “Bureau of the Budget” in two places and inserted “for costs of environmental and historic preservation services,” after “realty brokers.”

1979—Subsec. (f). Pub. L. 96–41 substituted “the President” for “the Munitions Board”.

1959—Subsec. (b). Pub. L. 86–215 substituted “utilization of excess property and the disposal” for “dispositions” in second sentence.

1954—Subsecs. (b) to (g). Act Aug. 31, 1954, added subsec. (b) and redesignated former subsecs. (b) to (f) as (c) to (g), respectively.

TRANSFER OF FUNCTIONS

War Assets Administration abolished June 30, 1949, and its functions transferred for liquidation to General Services Administration by act June 30, 1949, ch. 288, § 105, 63 Stat. 381.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (f) of this section delegated to Secretary of Defense, see section 3 of Ex. Ord. No. 12626, Feb. 25, 1988, 53 F.R. 6114, set out as a note under section 98 of Title 50, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 483, 484, 490, 513 of this title; title 10 section 2831; title 16 section 4601–5; title 38 section 8165.

§ 485a. Payment of expenses of sales from proceeds

Subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], from the proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of “proceeds of Government property” or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be.

(June 8, 1896, ch. 373, 29 Stat. 268; Oct. 31, 1951, ch. 654, § 2(20), 65 Stat. 707; Pub. L. 104–316, title I, § 120(a), Oct. 19, 1996, 110 Stat. 3836.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of the Act relating to management and disposal of government property are classified to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was a provision of the Deficiency Appropriation Act for the fiscal year 1896.

Section was formerly classified to section 489 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1996—Pub. L. 104–316 struck out “, as approved by the accounting officers of the Treasury,” before “so as to require”.

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of Federal Property and Administrative Services Act of 1949, as amended.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 8165.

§ 486. Policies, regulations, and delegations**(a) Promulgation by President**

The President may prescribe such policies and directives, not inconsistent with the provisions of this Act, as he shall deem necessary to effectuate the provisions of said Act, which policies and directives shall govern the Administrator and executive agencies in carrying out their respective functions hereunder.

(b) Accounting principles and standards

The Comptroller General after considering the needs and requirements of the executive agencies shall prescribe principles and standards of accounting for property, cooperate with the Administrator and with the executive agencies in the development of property accounting systems, and approve such systems when deemed to be adequate and in conformity with prescribed principles and standards. From time to time the General Accounting Office shall examine such property accounting systems as are established by the executive agencies to determine the ex-